

### **REMARKS**

By this amendment, claim 1 has been amended to remove a redundancy and to more precisely set forth the operation of the protection member. Otherwise, the claims have been retained in their original form in the belief that they patentably distinguish over the cited art.

### **Claim Rejections – 35 U.S.C. §102**

Claims 1, 2, 5, 19, 31, 32, 34 and 35 stand rejected under 35 U.S.C. §102(b) as being anticipated by Wang Patent 6,308,421.

Claim 1 is an independent claim and the other claims under rejection are all dependent upon claim 1 or upon other claims which in turn are dependent upon claim 1. Claim 1 defines a cast cutter for use in removing a cast from a patient comprising a body, cutting means supported by the body and “a protection member supported by the body and adapted to be positioned between the cast portion being operated upon by the cutting means and the patient, to protect the skin of the patient ...”. This phrase is amended in the present response to better define the structure and function of the protective means.

In characterizing the Wang reference to illustrate its anticipation of claim 1 and the dependent claims under rejection, the Examiner indicates that Wang includes “... a protection member 55 supported by the body 5 and adapted to be positioned between the cutting means, 1 and 2 per Fig. 1, and the patient, to protect the skin of the patient ...”. However, Wang discloses what he characterizes as a “multi-use scissors” for cutting different workpieces, but makes no reference to the use of those scissors to remove a cast from a patient. The section 55 is not described as being adapted to be positioned between a cast portion operated upon by the cutting means and the patient, to protect the skin of the patient. Rather, the element 55 is described by Wang as a cutting board forming part of a blade sheath unit main body. The cutting board is

formed with angle scales 56 which apparently allow the operator of the scissors to accurately align the cutting blades with respect to the workpiece.

It is respectfully submitted that the scissors shown in the Wang patent, when equipped with a sheath 5, would not have any usefulness in removing a cast from a patient. The sheath which fits over the blade section 11 of the scissors extends upwardly, transversely to the cutting board 55, so that it would not be possible to insert the sheath 5, with its cutting board 55, between a cast section being cut by the scissors and the patient, to protect the skin of the patient. Moreover, the device in Wang can only function by pivoting motion of both the first and second grips 1, 2. Thus the presence of the second grip 2, and the required pivoting motion thereof, will clearly interfere with any operation to remove a cast from a patient. This is clear from Figure 1 of Wang. As such, for this reason at least Wang does not disclose "a cast cutter for use in removing a cast from a patient".

Furthermore, claim 1 of the present application defines first and second portions which each comprise at least one cutting edge. This feature is not disclosed in Wang. As described above, the scissor device in Wang includes a blade bar 3 which includes a blade section 31, and this blade section 31 includes a cutting edge. However, this is the only cutting edge provided in the Wang device.

The Wang device includes a blade sheath unit main body 5 which may be positioned in alternate orientations relative to the scissors section; that is the sheath 5 may be attached to the scissors in either of two inverted positions. On the first side of the blade sheath main body 5 there is provided a blade channel 53, and on the second side of the body 5 there is provided a cutting board 55. There is no disclosure or suggestions anywhere in the Wang reference that the blade channel 53 or the cutting board 55 includes a cutting edge. In fact, the Wang reference

makes it clear that cutting is achieved solely by the blade section 31, for example as disclosed in column 3, lines 23-25. In summary, Wang does not comprise a §102 anticipation of claim 1 or its dependent claims, because it totally lacks two cutting portions which in use cooperate to provide a shearing strain in a material positioned therebetween, and further totally lacks a protection member supported by the body and adapted to be positioned between the cast portion operated upon by the cutting means and the patient, to protect the skin of the patient.

### **Claim Rejection – 35 U.S.C. §103**

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wang. Claim 20 is dependent upon claim 1 and adds the limitation that the first portion of the cutting means is mounted on the body separately from the protecting member. Since Wang fails to disclose a protecting member as defined in claim 1, as set forth above, Wang would not suggest to one of ordinary skill in the art to separately mount the protection member to the first portion.

### **Withdrawn Claims**

In making the restriction requirement, the Examiner noted that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. It is respectfully submitted that in addition to the claims presently under consideration, all withdrawn claims in the group 1-49 should be allowable if the Examiner finds claim 1 allowable.

In the restriction requirement of March 6, 2008 the Examiner noted “Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed

generic claim as provided by 37 CFR 1.141.” It is respectfully submitted that claims 2-49 are all dependent upon claim and should be allowable with claim 1.

Reconsideration and allowance is respectfully solicited.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

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Respectfully Submitted,

By 

Allen M. Krass

Registration No.: 18,277

GIFFORD, KRASS, SPRINKLE, ANDERSON  
& CITKOWSKI, P.C.

2701 Troy Center Drive, Suite 330

Post Office Box 7021

Troy, Michigan 48007-7021

(248) 647-6000

(248) 647-5210 (Fax)

Attorney for Applicant